

EXHIBIT 5

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Attorneys for Sonos, Inc.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

GOOGLE LLC,

Plaintiff,

v.

SONOS, INC.,

Defendant.

Case No. 3:20-cv-6754

**SONOS, INC.'S PATENT L.R. 4-2
PRELIMINARY CLAIM
CONSTRUCTIONS AND
IDENTIFICATION OF EVIDENCE**

Judge: Hon. William Alsup
Complaint Filed: September 28, 2020

1 Pursuant to Patent Local Rule 4-2, Sonos, Inc. (“Sonos”) serves the following
2 preliminary claim constructions and identification of intrinsic and extrinsic evidence on Google
3 LLC (“Google”). Sonos’s preliminary claim constructions and identification of intrinsic and
4 extrinsic evidence are set forth in Exhibit A. Sonos reserves the right to update, supplement,
5 revise, or otherwise modify this disclosure in light of further investigation and discovery,
6 including evidence not yet produced by Google, or in light of modification or supplementation of
7 Google’s invalidity contentions. Sonos also reserves the right to update, supplement, revise, or
8 otherwise modify this disclosure as claim construction progresses, and as the parties meet-and-
9 confer in furtherance of preparing a Joint Claim Construction and Prehearing Statement.

10 In support of each of its preliminary constructions, Sonos reserves the right to rely upon
11 extrinsic evidence in the form of expert testimony. Pursuant to Patent Local Rule 4-2, Sonos
12 discloses that the substance of such expert testimony will include the meaning that each of the
13 terms for construction would have had to a person of ordinary skill in the art at the time of the
14 relevant invention, the support for such meaning in the intrinsic and other extrinsic evidence, and
15 any responses to any construction or evidence offered by Google in support of its proposed claim
16 constructions.

17 While Sonos has identified the evidence on which it intends to rely to support its
18 preliminary constructions, Sonos also reserves the right to identify and rely on additional
19 evidence—both intrinsic evidence and extrinsic evidence, including expert testimony—to rebut
20 any claim constructions offered by Google, or to rebut expert testimony offered by Google in
21 support of its proposed claims constructions or any alleged indefiniteness of any claim term.

22
23 Dated: January 10, 2022

ORRICK HERRINGTON & SUTCLIFFE LLP
and
LEE SULLIVAN SHEA & SMITH LLP

25 By: /s/ Cole B. Richter
26 Cole B. Richter (admitted *pro hac*)

27 *Attorneys for Sonos, Inc.*

<u>Patent No.</u>	<u>Term</u>	<u>Sonos Proposed Construction</u>	<u>Evidence</u>
'615 Pat	"resource locators"	Plain and ordinary meaning; no construction necessary	<ul style="list-style-type: none"> • '615 Patent at 2:51-3:13, 11:62-12:3, 12:38-63, 13:31-40, 14:29-61, 15:12-16, 15:41-46, 15:51-67, 16:9-19, claims 1, 8, 13, 20, 25, FIGs. 7, 9, 11; • '615 Prosecution History, April 5, 2017 Office Action Response; • '615 Prosecution History, May 9, 2017 Office Action; • '615 Prosecution History, August 28, 2017 Office Action Response; • Extrinsic Evidence from one or more of the following: <ul style="list-style-type: none"> ○ SONOS-SVG2-00043078 at 3:17-38; ○ SONOS-SVG2-00043035 at 5:16-27 ○ SONOS-SVG2-00043131 at ¶ 27; ○ SONOS-SVG2-00043153 at 3:32-37